

The Appeals Board will first address the initial issue as to whether or not it has jurisdiction to review the December 13, 1994, Order of Administrative Law Judge Alvin E. Witwer. After reviewing the arguments contained in the briefs of the parties, the Appeals Board finds and concludes that it does not have jurisdiction to review this particular Order.

The decision of the Administrative Law Judge to deny respondent's Motion to Quash Subpoena Duces Tecum is interlocutory in nature and made during the litigation of a workers compensation case before the Administrative Law Judge. This is not a final order that can be reviewed pursuant to K.S.A. 44-551 (as amended by S.B. 59, 1995). Neither is this an order pursuant to the preliminary hearing statute, K.S.A. 44-534a, as preliminary hearing orders are limited to issues of furnishing of medical treatment and payment of temporary total disability compensation. The Order now before us pertains to an interlocutory matter, an evidentiary ruling, over which an Administrative Law Judge has authority to adjudicate if called upon during the workers compensation proceeding.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the respondent is dismissed as the Appeals Board lacks jurisdiction to review the Order of Administrative Law Judge Alvin E. Witwer denying the respondent's Motion to Quash Subpoena Duces Tecum.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Michael R. Wallace, Overland Park, KS  
Jeffrey M. Pfaff, Kansas City, MO  
Terri Z. Austenfeld, Overland Park, KS  
Alvin E. Witwer, Administrative Law Judge  
George Gomez, Director